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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,218	01/16/2004	Neil Hutton	12M-41 US	5726
25319	7590	10/25/2006	EXAMINER	
FREEDMAN & ASSOCIATES 117 CENTREPOINTE DRIVE SUITE 350 NEPEAN, ONTARIO, K2G 5X3 CANADA			ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,218

Applicant(s)

HUTTON, NEIL

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-19 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 5-7, 20, 21, 27-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/19/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 1, the phrase "is disclosed" is redundant, and should be removed. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 5 is objected to because of the following informalities: the phrase --of said support-- should follow "the mounting end" in line 1 for clarity.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 8-19, 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "a baggage elevating element" is vague and indefinite, and is not defined with respect to structural features that provide a standard of equivalence in the art.

Is the "baggage elevating element" an elevator, escalator, inclined conveyor belt, a laborer performing the task manually?

Applicant is reminded that although the claims are interpreted in light of the specification, limitations in the specification are not read into the claims.

The term "foundation" in claims 1, 16, and "a mounting structure of the foundation" are relative terms which renders the claim indefinite. The terms "foundation" and "mounting structure of the foundation" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Is "the foundation" or "a mounting structure of the foundation" solely inclusive of the airport tarmac, or do the limitations include specific structural features in addition to, mounted on or within the airport tarmac.

Further, how is "supporting the rotunda...at a position that is horizontally displace from the foundation" performed, or the location of support defined if "the foundation" is interpreted be solely inclusive of the airport tarmac?

Clarification of these issues will result in withdrawal of the 35 U.S.C. 112 2nd Paragraph rejections above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 8, 9, 11-15 are rejected under 35 U.S.C. 102(a) as being anticipated by

Ratliff # 6,658,685 B1.

Ratliff discloses a baggage handling unit (141) for an aircraft passenger boarding bridge

Art Unit: 3671

(101) comprising:

A walkway (111) for coupling a terminal building access port (105) and a rotunda (113).

A baggage access port (145) included in the walkway (111).

A support (121) including a mounting end (125) configured for engaging, by use of wheels (123), the foundation (108) and a support end (124) for supporting the rotunda (113) of the passenger boarding bridge at a position (111co) that is horizontally displaced from where the wheels engage the foundation (108).

A baggage elevating element (161) mounted adjacent the baggage access port of the walkway (111).

A mount (143, 145) for fixedly coupling the baggage handling unit to the rotunda about a point opposite an aircraft engaging portion (115) of the passenger boarding bridge, such that the baggage handling unit (141) and the rotunda are structurally attached. See Col. 3, in its entirety.

Wherein the baggage handling unit is cantilevered off the foundation (108) when the baggage handling unit is installed on the foundation.

In regards to claims 8, 9 Ratliff discloses the use of a winch and cable (319, 315) to raise and lower the baggage enclosure (165) between an upper station adjacent baggage access port (145) and a lower station adjacent the airport tarmac.

See col. 4, Ins. 53-65.

In regards to claims 11-15 Ratliff discloses the use of a controller, such as push button (UP1) located proximate the lower station (163) and a barrier, in the form of a roll up door (169), as well as a safety mechanism (cr2, cr3, ls) for releasing a lock (347, 349) of the roll down door (169) in dependence upon the baggage enclosure being secured at an upper station of the baggage access port (145). See Col. 6 in its entirety.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ratliff #

6,658,685 B1 in view of Ganiere # 6,676,359 B2.

Ratliff discloses all that is claimed with respect to claim 1, to include the use of lifting devices, such as winches and cables, but does not disclose the use of fluid pressure operated ram mechanisms. However, Ganiere, teaches it is known to provide airport passenger bridge baggage lifts (36) with hydraulic lifts and safety devices, in order to effectively raise and lower the baggage lift. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the airport passenger bridge of Ratliff, with hydraulic lifting devices, as taught by Ganiere, in order to increase safe use of the baggage lift.

Art Unit: 3671

6. Claims 2-4, 16-19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratliff # 6,658,685 B1 in view of Thomas, Jr. # 5,084,936.

Ratliff discloses essentially all that is claimed, as put forth above, with respect to claim 1, but does not disclose the use of a counter-balance weight to minimize moment forces generated by the passenger bridge. However, Thomas, Jr. teaches it is known that airport passenger bridges are provided with at least one lead weighted compartment to counter balance the rotatable part of the rotunda. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the airport passenger bridge of Ratliff, with a counter balance, as taught by Thomas, Jr., in order to counter balance the rotatable part of the rotunda. Wherein the support (121) is for supporting the walkway (111) via the foundation (108) in a cantilever-like manner, such that the baggage handling unit, in combination with the aircraft engaging portion (115) exert a force that is mostly normal to the foundation (108). See Col. 5, Ins. 37-42; Col. 7, Ins. 4-12.

With respect to claims 19, Ratliff discloses the support (121) includes a mounting plate (126) for engaging a mounting structure, such as the surface of the foundation (108). See Fig. 6; col. 3, Ins. 32-35. Ratliff further discloses a controllable baggage lift mechanism (141) and baggage enclosure (165) coupled to the baggage lift mechanism (141) for controllably raising and lowering the baggage enclosure (165) between an upper station and lower station. Ratliff further discloses the use of a controller, and a barrier, in the form of a roll up door (169). See Col. 6 in its entirety.

Allowable Subject Matter

6. Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 5-7, 20, 21, 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

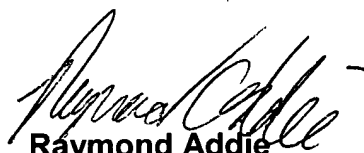
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3671

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Raymond Addie
Primary Examiner
Group 3600

10/20/06